

The Honorable John C. Coughenour

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

In re:

SETH BASIL COLCHESTER,

Petitioner,

v.

JEWEL LAZARO,

Respondent.

Case No. 2:20-cv-01571

**JOINT ~~PROPOSED~~ PRETRIAL  
ORDER**

## I. JURISDICTION AND VENUE

This matter was filed in the Superior Court of Snohomish County, Washington, where Ms. Lazaro resides. Ms. Lazaro removed this case from the state court to this Court pursuant to 28 U.S.C. §§ 1331, 1441(a) and § 1446(a) and (b).

This Petition was brought pursuant to the Convention on the Civil Aspects of International Child Abduction (hereinafter referred to as “the Convention”), and the International Child Abduction Remedies Act (hereinafter referred to as “ICARA”). The Convention came into effect in the United States on July 1, 1988, and Spain also became a signatory on July 1, 1988. The Convention is enforced in the United States via the ICARA. Original jurisdiction is concurrent in both state and federal courts pursuant to 22 U.S.C. § 9003(a).

## II. CLAIMS AND DEFENSES

Petitioner will present the following claims:

1. At trial, Mr. Colchester requests that the Court grant his Petition and immediately order the return of the minor child, S.L.C., to his custody and care in Spain, pursuant to the Convention and ICARA.

2. Mr. Colchester requests that an order be issued allowing for the United States Marshals Service to assist with the transfer of the child to Mr. Colchester (or his designated agent until such a time that Mr. Colchester can come to the United States to take custody of S.L.C. and return the child to Spain).

3. Mr. Colchester requests that the Court order Ms. Lazaro to pay all expenses incurred by Mr. Colchester in this matter, including Mr. Colchester’s and child’s airfare, hotel, nourishment, other travel expenses and necessities, and attorneys’ fees and costs incurred by Mr. Colchester in securing the return of the child to her habitual residence.

Respondent will present the following defenses:

1. Respondent Jewel Lazaro denies that Mr. Colchester’s claims have merit.

2. Ms. Lazaro raises the affirmative defense that returning S.L.C. to Spain would place her at grave risk of physical or psychological harm and that no reasonable measures

1 would allow her to return there and protect her from that harm.

2 3. Ms. Lazaro contends that an award of expenses would be clearly inappropriate  
3 under ICARA.

### 4 **III. ADMITTED FACTS**

5 1. Petitioner Seth Colchester and Respondent Jewel Lazaro are the biological  
6 parents of the child at issue, S.L.C. (age 6).

7 2. Ms. Lazaro and the child are currently residing in Snohomish County,  
8 Washington.

9 3. Mr. Colchester is a citizen of the Republic of Ireland, and Ms. Lazaro is a  
10 citizen of the United States.

11 4. S.L.C. was born in the Republic of Ireland. She is a citizen of the United States  
12 and a citizen of the Republic of Ireland.

13 5. The Court of First Instance No. 15 of Barcelona (Family Division) in Spain  
14 awarded Mr. Colchester sole custody of S.L.C. on January 9, 2020, which provided for  
15 visitation rights to Ms. Lazaro.

16 6. On April 23, 2020, Ms. Lazaro filed a petition for order of protection in the  
17 Snohomish County Superior Court. The court dismissed that petition on July 24, 2020 for lack  
18 of personal jurisdiction over Mr. Colchester and lack of jurisdiction over the minor child  
19 S.L.C. under the Uniform Child Custody Jurisdiction Enforcement Act (UCCJEA).

20 7. On September 22, 2020, Ms. Lazaro filed another petition for an order for  
21 protection in the King County Superior Court. The court dismissed the petition on  
22 October 28, 2020 for lack of personal jurisdiction over Mr. Colchester, and lack of jurisdiction  
23 over the minor child S.L.C. under the UCCJEA.

24 8. On July 20, 2020, Mr. Colchester filed a petition in the Snohomish County  
25 Superior Court for the immediate return of S.L.C. to Spain pursuant to the Convention and  
26 ICARA. The Snohomish County Superior Court issued a Writ of Habeas Corpus and Warrant  
27 in Aid of Writ of Habeas Corpus on July 24, 2020.  
28

9. Ms. Lazaro removed the matter to this Court on October 25, 2020.

10. On November 6, 2020, the parties negotiated a stipulation placing S.L.C. in the temporary care of Ms. Donna Turner (Ms. Lazaro's mother) as Mr. Colchester's agent, while this case proceeds. The child continues to be in the care of Ms. Turner.

11. After a trial in Spain on December 28, 2020, a Spanish court issued an order on January 4, 2021 regarding Ms. Lazaro's transfer of S.L.C.

#### IV. ISSUES OF LAW

Mr. Colchester identifies the following issues of law:

1. Whether a preponderance of the evidence shows that the child, S.L.C. was “habitually resident” in Spain prior to her removal by Ms. Lazaro in April 2020; and

2. Whether Ms. Lazaro can prove by clear and convincing evidence that the return of S.L.C. to Mr. Colchester's care in Spain would result in a grave risk of physical or psychological harm; and, even if Ms. Lazaro meets her burden, whether it is nonetheless appropriate to return the child to Mr. Colchester in Spain; and

3. Whether Ms. Lazaro should be required pay all expenses incurred by Mr. Colchester in this matter.

Ms. Lazaro identifies the following issues of law:

1. Whether Mr. Colchester has proven by a preponderance of the evidence that the child, S.L.C., was “habitually resident” in Spain prior to her removal by Ms. Lazaro in April 2020.

2. If Mr. Colchester carries his burden, whether Ms. Lazaro has proven by clear and convincing evidence that S.L.C. would face a grave risk of physical or psychological harm if sent to Spain.

3. If Ms. Lazaro carries her burden, whether it nonetheless is appropriate to return the child to Mr. Colchester in Spain and/or whether it is appropriate to order ameliorative

1 measures to protect S.L.C. from harm if she is returned.

2 4. Any evidentiary issues raised in the parties' trial briefs or at trial.

### 3 4 **V. EXPERT WITNESSES**

5 1. Alicia Romero Fernandez, c/o Aaron P. Brecher, Orrick, Herrington &  
6 Sutcliffe, LLP, 701 5<sup>th</sup> Avenue, Suite 5600, Seattle, WA 98104. Ms. Romero will testify for  
7 Respondent about S.L.C.'s emotional ties to the United States relative to Spain, the trauma and  
8 attachment issues affecting S.L.C. and Ms. Lazaro, and how these emotional ties and issues  
9 bear on both S.L.C.'s habitual residence and whether she would face a grave risk of harm if  
10 returned to Spain. Her testimony will be consistent with the April 14, 2020 report filed with  
11 Ms. Lazaro's opposition to Mr. Colchester's dispositive motion.

12 2. Nick Panes, c/o Aaron P. Brecher, Orrick, Herrington & Sutcliffe, LLP, 701 5<sup>th</sup>  
13 Avenue, Suite 5600, Seattle, WA 98104. Mr. Panes, a Vice President in the Risk,  
14 Investigations & Analytics Practice of Charles River Associates, will testify for Respondent  
15 and offer opinions consistent with his expert report. He will testify about publicly available  
16 information about Mr. Colchester's business activities, income, lifestyle, expenses, and risk  
17 factors for illicit activity and money laundering.

### 18 19 **VI. OTHER WITNESSES**

20 The parties agree that, for the sake of efficiency, each witness should only be examined  
21 once (except in the case of examination of witnesses on rebuttal, if required). Thus, for each  
22 witness identified by both parties, the parties' respective cross-examinations will be  
23 incorporated in their cases-in-chief at trial. Given the number of witnesses who are testifying  
24 from abroad, and others for whom interpreters are needed, the parties agree to work  
25 cooperatively before and during trial to ensure that witnesses with limited availability may  
26 testify, including out of order if necessary.

27 Mr. Colchester identifies the following witnesses:

1. Seth Basil Colchester  
c/o Skellenger Bender PS  
1301 Fifth Ave, Ste 3401  
Seattle, WA 98101

This witness, the Petitioner, will testify at trial. Mr. Colchester is expected to testify about all issues in this matter.

2. Jewel Beatriz Lazaro  
c/o Orrick, Herrington & Sutcliffe LLP  
701 Fifth Ave, Ste 5600  
Seattle, WA 98104

This witness, the Respondent, will testify at trial. Ms. Lazaro is expected to testify about all issues in this matter.

3. Georgina Fernandez  
Calle Principe de Vergara, 4 CP,  
28001 Madrid,  
Spain

This witness, Mr. Colchester's neighbor in Spain, will testify at trial. Ms. Fernandez is expected to testify about the "habitual residence" issue, including but not limited to her knowledge of and direct observations of Mr. Colchester and the minor child. Ms. Fernandez may also testify regarding her observations as they relate to Ms. Lazaro's "grave risk of harm" defense.

4. Albert Gorman  
Av. Diagonal 227-1-2,  
08013 Barcelona,  
Spain

This witness, a friend of Mr. Colchester and Ms. Lazaro, will testify at trial. Mr. Gorman is expected to testify about both the "habitual residence" issue and Ms. Lazaro's "grave risk of harm" defense, including but not limited to his direct observations of the parties, and his knowledge of the parties' relationship and parenting.

5. Arlene Cueva Soliven  
C/ Poesta Cabanyes 62, P01 2  
Barcelona,  
Spain

This witness, nanny to the minor child from September 2019 to April 2020, will testify at trial. Ms. Soliven is expected to testify about the "habitual residence" issue as well as Ms. Lazaro's allegations being made as part of her "grave risk of harm" defense, including but not limited to her observations of Mr. Colchester's relationship with the minor child.

Mr. Colchester identifies the following witnesses that may testify at trial on rebuttal or as needed:

1. Charlotte Colchester  
The Islands Urlingford  
County Kilkenny, Ireland

This witness, Mr. Colchester's mother, may testify at trial. Mrs. Colchester is expected to testify about facts known to her concerning Ms. Lazaro's "grave risk of harm" defense, including but not limited to her knowledge of Ms. Lazaro, the parties' relationship (including Ms. Lazaro's allegations of abuse against Mr. Colchester), the minor child, and the Colchester family's farming business.

2. Kitty Colchester  
Clonageera, Derry Road  
Durrow, County Laois,  
Ireland R32 H5N3

This witness, Mr. Colchester's sister, may testify at trial. Mrs. Colchester is expected to testify about facts known to her concerning Ms. Lazaro's "grave risk of harm" defense, including but not limited to her knowledge and observations of Ms. Lazaro, the parties' relationship (including Ms. Lazaro's allegations of abuse against Mr. Colchester), and the Colchester family's farming business.

3. Scott McNamara  
C. Napoles 96, Bajos 3,  
08013 Barcelona,  
Spain

This witness, a friend of Mr. Colchester, will testify at trial. Mr. McNamara is expected to testify about Ms. Lazaro's "grave risk of harm" defense, including but not limited to his direct observations of the parties and the child while he was living with them in April 2020 when Ms. Lazaro was visiting Spain, and then unlawfully removed the child to the United States.

4. Vincent Morant Miol  
Calle Principe de Vergara, 4 CP,  
28001 Madrid,  
Spain

This witness, Mr. Colchester's neighbor, may testify at trial. Mr. Miol is expected to testify about the "habitual residence" issue, including but not limited to his knowledge of and direct observations of Mr. Colchester and the minor child. Mr. Miol may also testify regarding her observations as they relate to Ms. Lazaro's "grave risk of harm" defense.

5. Robbie Hynes  
Rambla de Badal 190,  
08028 Barcelona,  
Spain

This witness, a former acquaintance of Ms. Lazaro, may testify at trial. Mr. Hynes is expected to testify about Ms. Lazaro's "grave risk of harm" defense, including but not limited to his direct observations of the parties, Ms. Lazaro's credibility and lack of truthfulness, and his knowledge of the parties' relationship and parenting.

6. Conor Saunders  
Wicklow House, Church Road,  
Greystones, County Wicklow,  
Ireland

This witness, a business partner of Mr. Colchester, may testify at trial. Mr. Saunders will testify regarding Ms. Lazaro's "grave risk of harm" defense, including but not limited to Ms. Lazaro's allegations of Mr. Colchester being involved in illegal drug trafficking, his observations of Mr. Colchester, and his knowledge of Mr. Colchester's business dealings.

7. Kendra Littles  
Carrer Pons I Gallarza 59  
08030 Barcelona,  
Spain

This witness, Mr. Colchester's friend and business partner, may testify at trial. Ms. Littles is expected to testify about the "habitual residence" issue as well as Ms. Lazaro's observations being made as part of her "grave risk of harm defense," including but not limited to her direct observations of Mr. Colchester and the minor child, and her business partnership with Mr. Colchester.

8. Adrian de Kroo  
CBD Oil Europe  
Voltaweg 11D,  
4382NG, Vlissingen  
The Netherlands

This witness, Mr. Colchester's friend and business partner, may testify at trial. Mr. de Kroo will testify regarding Ms. Lazaro's "grave risk of harm" defense, including but not limited to Ms. Lazaro's allegations of Mr. Colchester being involved in illegal drug trafficking, his observations of Mr. Colchester, and his knowledge of Mr. Colchester's business dealings.

9. Chris F. Steele  
102 Franklin Ave E,  
Seattle, WA 98102

This witness, a friend of Mr. Colchester and Ms. Lazaro, may testify at trial. Mr. Steele is expected to testify regarding the allegations raised by Ms. Lazaro as part of her "grave risk of harm" defense, including but not limited to his knowledge and observations of the parties and the parties' relationship, as well as Ms. Lazaro's history of mental health issues.

10. Deputy Peter Suazo #1659  
Sultan Police Department  
515 Main St,  
Sultan, WA 98294

This witness, an officer from the Sultan Police Department, may testify at trial. Mr. Suazo is expected to testify and authenticate the police reports he issued in 2020 regarding the parties.



1 11. Alexander Largaespada  
2 The Spanish Group LLC  
3 1 Park Plaza, Suite 600  
4 Irvine, CA 92614

5 This witness, a certified translator, may testify at trial. Mr. Largaespada is expected to  
6 testify to authenticate the documents which he translated at the request of Mr. Colchester.

7 12. Salvador G. Ordorica  
8 The Spanish Group LLC  
9 1 Park Plaza, Suite 600  
10 Irvine, CA 92614

11 This witness, a quality assurance agent of the Spanish Group, LLC, a professional  
12 translation company, may testify at trial. Mr. Ordorica is expected to testify and  
13 authenticate the documents which he translated or reviewed at the request of Mr.  
14 Colchester.

15 13. Estela Ramila Gomez  
16 Between Traduccion E Interpretacion

17 This witness, a certified translator, may testify at trial. Ms. Gomez is expected to testify  
18 to authenticate the documents which she translated at the request of Mr. Colchester.

19 Mr. Colchester reserves the right to elicit testimony from all witnesses called by Ms.  
20 Lazaro and to supplement this list consistent with the Local Rules and any applicable Order of  
21 the Court. Should any witness identified above be unavailable to testify at trial under Federal  
22 Rule of Civil Procedure 32(a)(4), Mr. Colchester reserves the right to seek to perpetuate that  
23 witness's testimony through deposition and rely on the deposition testimony at trial.

24 Ms. Lazaro identifies the following witnesses who will testify at trial:

25 1. Jewel Lazaro, c/o Aaron P. Brecher, Orrick, Herrington & Sutcliffe, LLP, 701  
26 5<sup>th</sup> Avenue, Suite 5600, Seattle, WA 98104. Ms. Lazaro will testify about her relationship with  
27 Mr. Colchester and S.L.C., Mr. Colchester's history of abuse of Ms. Lazaro, and incidents of  
28 physical and emotional abuse of S.L.C. She will also testify about Mr. Colchester's drug  
trafficking activities and lifestyle in Spain. She will also offer testimony about S.L.C.'s  
habitual residence and prior legal proceedings involving the parties.

2. Seth Colchester, c/o Caleb Bonm, Skellenger Bender. Mr. Colchester will  
testify about his relationships with Ms. Lazaro and S.L.C., his history of abuse of both, his

1 drug cultivation, distribution, and trafficking activities, his money laundering, and his  
2 involvement in prior legal proceedings involving the parties.

3 3. Jade Oliver, 114 N. French Ave., Arlington, WA 98223. Ms. Oliver will testify  
4 about her firsthand knowledge of Mr. Colchester's marijuana cultivation, her observations of  
5 the relationships among Ms. Lazaro, Mr. Colchester, and S.L.C., and S.L.C.'s habitual  
6 residence.

7 4. **Other.** S.L.C., 524 Rhodora Heights Rd., Lake Stevens, WA 98258. Ms. Lazaro  
8 asks the Court to interview S.L.C. in chambers or through videoconference, with or without  
9 the presence of counsel and under such procedures as the Court considers appropriate to  
10 safeguard the emotional health of the child.<sup>1</sup> S.L.C. would confirm her view that her habitual  
11 residence is the United States, the strength of her relationship with Ms. Lazaro, and her fear of  
12 Mr. Colchester because of, among other things, his history of abusing her.

13 Ms. Lazaro identifies the following witnesses who may testify at trial:

14 1. Donna Turner, 524 Rhodora Heights Rd., Lake Stevens, WA 98258.  
15 Ms. Turner may testify about the relationships among Mr. Colchester, Mr. Lazaro, and S.L.C.,  
16 S.L.C.'s habitual residence and current status, and Mr. Colchester's history of intimidating  
17 behavior.

18 2. Kortni Burns, PO Box 393, Sultan, WA 98294. Ms. Burns may testify about the  
19 relationships among Ms. Lazaro, Mr. Colchester, and S.L.C., Mr. Colchester's history of  
20 threatening and intimidating behavior toward her and her teenage son, and S.L.C.'s habitual  
21 residence.

22 3. Jason Schrier, 221 W. Mercer St. #106, Seattle, WA 98119. Mr. Schrier is a  
23 professional Spanish to English interpreter. He may testify about the quality of the  
24 interpretation of Ms. Lazaro's testimony during prior Spanish proceedings, including  
25 identifying inaccurate interpretations presented to the court.

26 4. Margarita Balmaceda, Avda Ramon Subercaseaux 3284, Pirque, RM. Santiago

27 <sup>1</sup> In support of Ms. Lazaro's request, she cites one case in this District, for instance, which involved a meeting  
28 with the child with the court and counsel only, with the transcript maintained under seal. *See* Minute Entry, *Mesa*  
*v. Diaz*, Case No. 2:15-cv-00885-RSL (W.D. Wash. Aug. 3, 2015), ECF 41.

CP :9480000. Ms. Balmaceda may testify about her firsthand knowledge of Mr. Colchester's drug cultivation and distribution operations, his history of threats, intimidation, and association with other criminal actors, and her observations of Mr. Colchester and Ms. Lazaro's relationship.

5. **Other.** Ms. Lazaro reserves the right to elicit testimony from all witnesses called by Mr. Colchester and to supplement this list consistent with the Local Rules and any applicable Order of the Court. Should any witness identified above be unavailable to testify at trial under Federal Rule of Civil Procedure 32(a)(4) or Federal Rule of Evidence 804(a), Ms. Lazaro reserves the right to seek to rely on former testimony if appropriate under Federal Rule of Evidence 804(b)(1) or to perpetuate that witness's testimony through deposition and rely on the deposition testimony at trial.

## VII. TRIAL EXHIBITS

The parties identify the following trial exhibits:

Petitioner's Exhibits					
Pet. Ex. No.	Description of Exhibits	Authenticity	Admissibility	Objection	Admitted
1	Order of Dismissal with Prejudice (8/31/2018)	Stipulated	Stipulated		
2	Order re Return of Child (8/31/2018)	Stipulated	Stipulated		
3	Order to Issue Writ of Habeas Corpus and Warrant in Aid of Habeas Corpus (8/31/2018)	Stipulated	Stipulated		
4	Writ of Habeas Corpus (8/31/2018)	Stipulated	Stipulated		
5	Warrant in Aid of Writ of Habeas Corpus (8/31/2018)	Stipulated	Stipulated		
6	Order to Issue Writ of Habeas Corpus and Warrant in Aid of Habeas Corpus (7/20/2020)	Stipulated	Stipulated		
7	Writ of Habeas Corpus (7/20/2020)	Stipulated	Stipulated		

8	Warrant in Aid of Writ of Habeas Corpus (7/20/2020)	Stipulated	Stipulated		
9	Sheriff's Return on Service (11/23/2020)	Stipulated	Stipulated		
10	Order Dismissing Temporary Protection Order (7/24/2020)	Stipulated	Stipulated		
11	Audio Recording of Hearing on Temporary Protection Order (7/24/2020)	Stipulated	<b>Disputed<sup>2</sup></b>	402, 802	
12	Order Dismissing Petition for Domestic Violence Protection Order – King County (10/28/2020)	Stipulated	Stipulated		
13	Ruling re Request for Return (4/11/2018)  <i>[Certified English Translation and Original Spanish Order]</i>	Stipulated	<b>Disputed*<sup>3</sup></b>	403, 802, TB	
14	Diligence of Management (4/11/2018)  <i>[Certified English Translation and Original Spanish Order]</i>	Stipulated	<b>Disputed</b>	403, 802, TB	
15	Ruling re Request for Return (4/16/2018)  <i>[Certified English Translation and Original Spanish Order]</i>	Stipulated	<b>Disputed</b>	403, 802, TB	
16	Diligence of Management – Criminal Case Appeal (5/22/2018)  <i>[Certified English Translation and Original Spanish Order]</i>	Stipulated	Stipulated		
17	Juridical Reasoning re Conflict of Parental Authority (6/20/2020)	Stipulated	<b>Disputed</b>	403, 802, TB	

<sup>2</sup> Both parties recognize the potential for permissible and impermissible uses of exhibits at trial. The potential disputes identified here are meant to preserve possible objections, but the parties may elect not to challenge certain exhibits depending on the purpose for which they are offered at trial.

<sup>3</sup> Trial exhibits for which challenges to admissibility are marked with an “\*” were not available in English when the proposed pretrial order was filed. The parties have therefore identified potential objections but reserve their rights to raise other challenges to those exhibits if appropriate.

	<i>[Certified English Translation and Original Spanish Order]</i>				
18	Diligence Order (7/19/2018)  <i>[Certified English Translation and Original Spanish Order]</i>	Stipulated	<b>Disputed*</b>	403, 802, TB	
19	Juridical Reasoning re Conflict of Parental Authority (7/25/2018)  <i>[Certified English Translation and Original Spanish Order]</i>	Stipulated	<b>Disputed</b>	403, 802, TB	
20	Technical Advisory Report re Guardianship and Custody by Psychologist Teresa Jounou (10/23/2019)  <i>[Certified English Translation and Original Spanish version]</i>	Stipulated	Stipulated		
21	Order on Child Custody – Court of Barcelona, Family Division (1/9/2020)  <i>[Certified English Translation and Original Spanish Order]</i>	Stipulated	<b>Disputed</b>	403, 802, TB	
22	Ruling on Preventive Measures – Court of Barcelona, Family Division (4/14/2020)  <i>[Certified English Translation and Original Spanish Order]</i>	Stipulated	<b>Disputed</b>	403, 802, TB	
23	Order on Custody Hearing, Protective Measures Relative to Misuse of Parental Authority – Court of Barcelona, Family Division (1/4/2021)  <i>[Certified English Translation and Original Spanish Order]</i>	Stipulated	<b>Disputed</b>	403, 802, TB	

24	Certificate of Voluntary Registration of Partnership (3/16/2015)  <i>[Certified English Translation and Original Spanish Version]</i>	Stipulated	Stipulated		
25	Rental Contract – Home in El Masnou, Barcelona Province, Spain (7/31/2015)  <i>[Certified English Translation and Original Spanish Version]</i>	Stipulated	Stipulated		
26	Rental Contract – Apartment on Mallorca St., Barcelona, Spain (8/11/2016)  <i>[Certified English Translation and Original Spanish Version]</i>	Stipulated	Stipulated		
27	Rental Contract – Apartment in Olesa de Montserrat (2/1/2017)  <i>[Certified English Translation and Original Spanish Version]</i>	Stipulated	Stipulated		
28	Government of Spain – Temporary Family Residence Permit for Jewel Lazaro (11/4/2017)  <i>[Official English Translation]</i>	Stipulated	Stipulated		
29	Statement of Antonio Sanchez Malagon, Immigration Lawyer regarding Jewel Lazaro’s permit application (7/18/2018)	Stipulated	<b>Disputed</b>	802, F, Privilege	
30	Seth Colchester’s Spanish Citizen Registration Identification Card  <i>[Certified English Translation and Original Spanish Version]</i>	Stipulated	Stipulated		
31	Seth Colchester’s Irish Passport	Stipulated	Stipulated		

32	S.L.C.'s Irish Birth Certificate	Stipulated	Stipulated		
33	S.L.C.'s Irish Passport	Stipulated	Stipulated		
34	S.L.C.'s Spanish Citizen Registration Identification Card  <i>[Certified English Translation and Original Spanish Version]</i>	Stipulated	Stipulated		
35	Seth Colchester and S.L.C.'s Residency Papers in Olessa de Montserrat (10/26/2018)  <i>[Certified English Translation and Original Spanish Version]</i>	Stipulated	Stipulated		
36	El Niu Escoleta – S.L.C.'s School Enrollment Receipts (1/2017 to 3/2018)  <i>[Certified English Translation and Original Spanish Version]</i>	Stipulated	Stipulated		
37	Momo Escola Viva – S.L.C.'s School Enrollment Receipts (2018 to 4/2019)  <i>[Certified English Translation and Original Spanish Version]</i>	<b>Disputed</b>	Stipulated <sup>4</sup>		
38	Momo Escola Viva – School's Report on S.L.C. for School Year 2019-2020  <i>[Certified English Translation and Original Spanish Report/Slideshow]</i>	Stipulated	Stipulated		
39	S.L.C.'s Medical/Dental Records and Receipts  <i>[Certified English Translations and Original Spanish Versions]</i>	Stipulated	Stipulated		
40	Mail addressed to S.L.C. in Spain	Stipulated	<b>Disputed*</b>	802, 1002	

<sup>4</sup> Admissibility is stipulated subject to a ruling on the authenticity of the document.

	<i>[Certified English Translation and Original Spanish Version]</i>				
41	Mail addressed to Seth Colchester in Spain  <i>[Certified English Translation and Original Spanish Version]</i>	Stipulated	Stipulated		
42	Catalonia Police Report re Jewel Lazaro's prior abduction of S.L.C. (4/6/2018)  <i>[Certified English Translation and Original Spanish Report]</i>	Stipulated	<b>Disputed</b>	802, 1002, F	
43	Catalonia Police Report regarding Ms. Lazaro (9/10/2019)  <i>[Certified English Translation and Original Spanish Report]</i>	Stipulated	<b>Disputed</b>	802, 1002, F	
44	Letter from Police of Olesa de Montserrat regarding call and encounter with Jewel Lazaro on 4/6/2020 (8/28/2020)  <i>[Certified English Translation and Original Spanish version]</i>	Stipulated	<b>Disputed</b>	802, F	
45	Emergency Directive of Barcelona Family Courts (regarding COVID Pandemic) (3/18/2020)  <i>[Certified English Translation and Original Spanish version]</i>	Stipulated	Stipulated		
46	Texts and Emails between Seth Colchester and Jewel Lazaro (2017 to 2019)	Stipulated	<b>Disputed</b>	402, 403, 404	
47	Texts between Seth Colchester and Donna	Stipulated	<b>Disputed</b>	402, 403, 404, 802	



	Turner (April 2017, March 2018)				
48	Texts between Seth Colchester and Edwin Lazaro (June 2017)	Stipulated	<b>Disputed</b>	402, 403, 404, 802	
49	Confirmation Receipt of Child Support Payment from Seth Colchester to Jewel Lazaro (10/30/2016)	Stipulated	Stipulated		
50	MoneyGram Receipt of Remittance from Seth Colchester to Jewel Lazaro (5/2/2017)  <i>[Certified English Translation and Original Spanish Version]</i>	Stipulated	<b>Disputed*</b>	402, 802, 1002	
51	Seth Colchester's Hague Act Application - Request for Return of Child (4/16/2018)	Stipulated	<b>Disputed</b>	402, 403, 802	
52	Letter and Form from United States Department of State to Seth Colchester regarding Voluntary Return of Child (5/10/2018)	Stipulated	Stipulated		
53	Letter from United States Department of State to Seth Colchester regarding Children's Passport Issuance Alert Program (7/2/2018)	Stipulated	Stipulated		
54	Letter from United States Department of State to Spain Ministry of Justice regarding Request for Documentation and Information (7/2/2018)	Stipulated	Stipulated		
55	Letter from Virginia Liminana to United States Department of State in response to Request for Documentation and Information (7/10/2018)	Stipulated	<b>Disputed</b>	402, 403, 802	

56	Letter from US Department of State to Jewel Lazaro regarding Notice of Hague Act Application and Request for Voluntary Return of Child (7/24/2018)	Stipulated	Stipulated		
57	Letter from United States Department of State to Snohomish County Superior Court regarding Information on 1980 Hague Convention (8/24/2018)	Stipulated	Stipulated		
58	Seth Colchester's Complaint regarding Child Abduction submitted to Court of Barcelona (5/25/2020)	Stipulated	<b>Disputed</b>	402, 403, 404, 802, F	
59	Letter from United States Department of State to Snohomish County Superior Court regarding Key Provisions of 1980 Hague Convention (7/28/2020)	Stipulated	Stipulated		
60	Seth Colchester's Hague Act Application - Request for Return of Child (4/20/2020)	Stipulated	<b>Disputed</b>	402, 403, 802	

If necessary, the following exhibits may be offered in rebuttal, regarding the allegations to be raised by Ms. Lazaro as part of her "grave risk of harm" defense:

Pet. Ex. No.	Description of Exhibits	Authenticity	Admissibility	Objection	Admitted
61	Sultan Police Department's Report (by Deputy Peter Suazo) on Jewel Lazaro's suicide attempt (1/30/2020)	Stipulated	<b>Disputed</b>	402, 403, 404, 802, F, TB	
62	Sultan Police Department's Report (by Deputy	Stipulated	<b>Disputed</b>	802	

	Peter Suazo) on calls with parties re Jewel Lazaro's protective order against Seth Colchester (4/26/2020)				
63	Dismissal of Police Investigation re illegal marijuana cultivation (10/18/2018)  <i>[Certified English Translation and Original Spanish Report]</i>	Stipulated	Stipulated		
64	Order and Legal Reasoning re Dismissal of Police Request for Tracking Device (6/29/2018)  <i>[Certified English Translation and Original Spanish Report]</i>	Stipulated	Stipulated		
65	Seth Colchester's Personal Tax Returns (2017 to 2019)  <i>[Certified English Translations and Original Spanish Versions]</i>	Stipulated	<b>Disputed*</b>	1002	
66	Probio Drinks Business Tax Return (2017)  <i>[Certified English Translation and Original Spanish Version]</i>	Stipulated	Stipulated		
67	Probio Drinks Business Registration Documentation (3/8/2017)	Stipulated	Stipulated		

	<i>[Certified English Translation and Original Spanish Version]</i>				
68	Probio Drinks Tax Identification Number  <i>[Certified English Translation and Original Spanish Version]</i>	Stipulated	Stipulated		
69	Probio Drinks – Casa de la Kombucha Website	Stipulated	Stipulated		
70	Mycogenius – Letter from Adrian de Kroo regarding Seth Colchester’s Company Role and Involvement	Stipulated	<b>Disputed</b>	802	
71	Mycogenius – Website	Stipulated	Stipulated		
72	Eco Built Certificate of Registration (11/25/2014)	Stipulated	Stipulated		
73	Encrypted Solutions – Commercial Registration  <i>[Certified English Translation and Original Estonian Version]</i>	Stipulated	Stipulated		
74	Encrypted Solutions – Website	Stipulated	Stipulated		
75	SCWebConsultancy – Certificate of Registration (2/15/2018)	Stipulated	Stipulated		

Mr. Colchester reserves the right to amend this list to add exhibits for impeachment or rebut testimony or documentary evidence offered by any other party in this case. Mr.

Colchester also reserves the right to amend this list to add or remove exhibits as the parties confer on these issues and work to prepare the agreed pretrial order. Mr. Colchester intends to present exhibits in electronic format to Judge Coughenour, unless directed otherwise.

Respondent's Exhibits					
Ex. #	Description	Authenticity	Admissibility	Objection	Admitted
A-1	April 2017 Facebook message and screenshot of text message from Mr. Colchester to Ms. Lazaro	Stipulated	Disputed	402, 403, 404	
A-2	Screenshot of Dec. 2016 text message exchange between Mr. Colchester and Ms. Lazaro	Stipulated	Disputed	402, 403, 404	
A-3	2014 email from Ms. Lazaro to Irish Domestic Violence Advocacy group	Stipulated	Disputed	402, 403, 802	
A-4	July 2016 emails between Ms. Lazaro and Mr. Colchester	Stipulated	Disputed	402, 802	
A-5	Audio recording of S.L.C. noting that Mr. Colchester had hit her on her head	Disputed	Disputed	402, 403, 404, 501, 802, 901, 1002	
A-6	Audio recording of Mr. Colchester threatening to kick S.L.C. down the stairs	Disputed	Disputed	402, 403, 404, 501, 802, 901, 1002	
A-7	Compass Health Records for S.L.C. from May–July 2020	Stipulated	Disputed	402, 403, 802, F	
A-8	Cascade Health records for S.L.C. from 2020	Stipulated	Disputed	402, 403, 802, F	
A-9	April 2020 email from Ms. Lazaro to Mr. Colchester	Stipulated	Disputed	402, 403, 802	
A-10	2018 Spanish police report re events at S.L.C.'s school [Spanish original and	Stipulated	Disputed	402, 403, 802	

	certified translation]				
A-11	Travel records for S.L.C.	Stipulated	Stipulated		
A-12	GoFundMe page for ProBio	Stipulated	Stipulated		
A-13	ProBio balance sheet and income statement [Spanish original and certified translation]	Stipulated	Stipulated		
A-14	Scwebconsultancy Corporate Registry information	Stipulated	Stipulated		
A-15	Encrypted Solutions OU Corporate information	Stipulated	Disputed	No translation	
A-16	Encrypted Solutions OU Articles of Incorporation	Stipulated	Stipulated		
A-17	Encrypted Solutions OU Entry Petition	Stipulated	Stipulated		
A-18	Drawing by S.L.C. during April 2020 evaluation	Disputed	Disputed	402, 403, 802, 901, 1002	
A-19	Copy of S.L.C.'s U.S. passport	Stipulated	Stipulated		
A-20	June 2019 email from Ms. Lazaro to Mr. Colchester	Stipulated	Disputed	402, 403, 802	
A-21	April 2019 letter from Marina Moraes Goncalves re diagnosis of S.L.C.	Stipulated	Disputed	402, 403, 702, 703, 802, F	
A-22	Spanish criminal child abuse complaint [English translation]	Disputed	Disputed	No original in Spanish, 402, 403, 802, 901, 1002	
A-23	Email from Detective Eviston to U.S. State Department	Disputed	Disputed	402, 403, 802, 901, 1002, F	
A-24	2020 Letter from Skellenger Bender to Kathryn Peterson	Stipulated	Disputed	402, 403, 802	
A-25	Photographs of Mr. Colchester's house in Spain	Stipulated	Stipulated		

1	A-26	Text messages from Mr. Colchester to Ms. Lazaro between September 2018 and March 2020	Stipulated	Disputed	402, 403, 802	
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4	A-27	Photographs of S.L.C. between April 2015 and February 2020	Stipulated	Stipulated		
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6	A-28	June 2020 email from counsel to Ms. Lazaro regarding Mr. Colchester's petition to modify custody arrangement	Stipulated	Disputed	402, 403, 802	
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10	A-29	March 2020 email from Ms. Lazaro to counsel	Stipulated	Disputed	402, 403, 404, 802	
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12	A-30	2017 email from Ms. Lazaro to U.S. State Department	Stipulated	Disputed	402, 403, 802	
13						
14	A-31	March 2020 email string between Ms. Lazaro and counsel including screenshots of communications with Mr. Colchester	Stipulated	Disputed	402, 403, 802	
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17	A-32	Transcripts of December 2020 Spanish civil proceeding regarding removal of S.L.C. from Spain	Disputed	Disputed	402, 403, 802	
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20	A-33	Video recordings of December 2020 Spanish civil proceeding regarding removal of S.L.C. from Spain	Stipulated	Disputed	402, 403, 802	
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24	A-34	Video recordings of November 2020 Spanish criminal proceeding against Seth Colchester for abuse of S.L.C.	Stipulated	Disputed	402, 403, 802	
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26						
27	A-35	Video recordings of December 2020 Spanish criminal	Stipulated	Disputed	402, 403, 802	
28						

	proceeding against Seth Colchester for abuse of Jewel Lazaro				
A-36	Video recording of December 2020 Spanish criminal proceeding against Jewel Lazaro for abduction of S.L.C.	Stipulated	Disputed	402, 403, 802	
A-37	Video recording of April 2019 Spanish custody proceeding	Stipulated	Disputed	402, 403, 802	
A-38	Video recordings of December 2019 Spanish custody proceeding	Stipulated	Stipulated	402, 403, 802	
A-39	April 2019 parenting evaluation conducted in connection with Spanish custody case [Spanish original and certified translation]	Stipulated	Stipulated		
A-40	Expert report of Alicia Romero Fernandez [Spanish original and English translation] and supporting documentation	Stipulated	Disputed	402, 403, 702, 703, 802, F	
A-41	Expert report of Nick Panes and supporting documentation	Stipulated	Disputed	402, 403, 702, 703, 802, F	
A-42	Certified Partial Transcript of November 2020 Spanish criminal proceeding against Seth Colchester for abuse of S.L.C.	Stipulated	Disputed	402, 403, 702, 703, 802	

Ms. Lazaro reserves the right to supplement this list consistent with the Local Rules and the Court's Orders, and to supplement this list after reviewing Mr. Colchester's proposed exhibits. Ms. Lazaro also reserves the right to rely on any exhibit introduced at trial by Mr. Colchester or identified by Mr. Colchester in this proposed pretrial order. Besides the



exhibits that Ms. Lazaro may introduce into evidence, Ms. Lazaro may offer demonstrative exhibits for illustrative purposes only. Ms. Lazaro intends to present exhibits in electronic format unless the Court directs otherwise.

Given that many of the witnesses expected to testify are located abroad and/or outside the State of Washington, the parties agree that in lieu of a hard copy, each witness may be provided an electronic copy of any exhibit that they will be expected to use or examine during the hearing. In the event a party elects to provide electronic copies of exhibits to a witness, that party shall ensure that the witness has downloaded a copy of the exhibit(s) to the witness' local drive and/or printed the exhibit(s), such that the exhibit(s) can viewed and accessed without an internet connection if need be. Exhibits used for cross-examination will be presented through the screenshare function of the Court's remote trial platform. The parties hereby certify through counsel that the exhibits exchanged between the parties and provided to the witnesses are identical to the original set of exhibits provided to the Court via Box.com and in hard copy, and do not contain notes, highlighting or any material not contained in the original exhibits provided to the Court.

**Parties' Objection Code:**

TB	Subject of evidentiary challenge in trial brief
F	Lack of foundation

**VIII. ACTION BY THE COURT**

- (a) This case is scheduled for trial without a jury on February 22, 2021.
- (b) Trial briefs shall be submitted to the Court on or before February 17, 2021.
- (d) Proposed Findings of Fact and Conclusions of Law shall be submitted to the Court on or before February 17, 2021.

1           This Order has been approved by the parties as evidenced by the signatures of their  
2 counsel. This Order shall control the subsequent course of the action unless modified by a  
3 subsequent Order. This Order shall not be amended except by Order of the Court under  
4 agreement of the parties to prevent manifest injustice.  
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**IT IS SO ORDERED.**

Dated: February 24th, 2021

HON. JOHN C. COUGHENOUR  
UNITED STATES DISTRICT JUDGE

Approved as to form:

ORRICK, HERRINGTON & SUTCLIFFE LLP

SKELLENGER BENDER PS

By: /s/ Aaron P. Brecher

By: /s/ Caleb O. Bonm

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